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*Attorneys for Defendants*  
INTERNATIONAL BUSINESS MACHINES CORPORATION  
AND GARY LIPSON

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SUSAN AMY SCHLENGER,

Plaintiff,

- against -

FIDELITY EMPLOYER SERVICES COMPANY,  
LLC, IBM CORPORATION, and METROPOLITAN  
LIFE INSURANCE COMPANY,

Defendants.

09-CV-3986 (CS)

**REVISED NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated April 18, 2012; the Affirmation of Allan S. Bloom, dated March 15, 2012, and the exhibit attached thereto; and all other pleadings, papers, and proceedings herein, Defendants International Business Machines Corporation and Gary Lipson will move this Court, located at the United States Courthouse, 300 Quarropas Street, White Plains, New York, at such time as the Court may direct, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing Plaintiff's Fourth Amended Complaint for failure to state a claim upon which relief can be granted and for such other and further relief that the Court deems just and proper.

Dated: New York, New York  
April 18, 2012

PAUL HASTINGS LLP



By: \_\_\_\_\_

Allan S. Bloom

Erin E. LaRuffa

75 East 55th Street  
New York, New York 10022  
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*Attorneys for Defendant*  
INTERNATIONAL BUSINESS MACHINES  
CORPORATION AND GARY LIPSON

TO: Lisa R. Lipman, Esq.  
145 Huguenot Street, Suite 402  
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*Attorney for Plaintiff*

Gail I. Auster, Esq.  
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17 Battery Place, Suite 711  
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*Attorney for Plaintiff*

SUSAN AMY SCHLENGER,

Plaintiff,

- against -

FIDELITY EMPLOYER SERVICES COMPANY,  
LLC, IBM CORPORATION, and METROPOLITAN  
LIFE INSURANCE COMPANY,

Defendants.

09-CV-3986 (CS)

**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2012, the foregoing was served by facsimile and  
U.S. mail upon:

Lisa R. Lipman  
145 Huguenot Street, Suite 402  
New Rochelle, New York 10801  
*Attorney for Plaintiff*

Gail I. Auster  
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17 Battery Place, Suite 711  
New York, New York 10004  
*Attorney for Plaintiff*

Further, the foregoing will be filed electronically with the Court's CM/ECF  
System when Defendants' Motion to Dismiss is fully briefed.

Dated: New York, New York  
April 18, 2012



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ALLAN S. BLOOM